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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/474,671	12/29/1999	CASSANDRA J. MOLLETT	FDC-0149-PUS	2544

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EXAMINER
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RUDY, ANDREW J

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 06/03/2004

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**GROUP 3600**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Paper No. 17

Application Number: 09/474,671  
Filing Date: December 29, 1999  
Appellant(s): MOLLETT ET AL.

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Mark D. Chuey, Ph.D.  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed on March 12, 2004.

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**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct from page 3, last paragraph to page 4, lines 1, 2.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of Claims***

Appellant's brief includes a statement that claims 1, 2, 4-6; 3; 8 and 9 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

**(8) *Claims Appealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

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**(9) Prior Art of Record**

6,064,987	WALKER	5-2000
5,679,940	TEMPLETON	10-1997

**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-6, 8 and 9 are rejected under 35 U.S.C. 101. This rejection is set forth in prior Office Action, Paper No. 15.

Claim 8 is rejected under 35 U.S.C. 112. This rejection is set forth in prior Office Action, Paper No. 15.

Claims 1-6, 8 and 9 are rejected under 35 U.S.C. 103. This rejection is set forth in prior Office Action, Paper No. 15.

**(11) Response to 35 U.S.C. 101 Argument**

Applicant's ARGUMENTS regarding the rejection of claims 1-6, 8 and 9 under 35 U.S.C. 101 are noted, but not agreed with.

Applicant's assertion that no referenced citations are shown from Paper No. 15 is not correct. From Paper No. 15, page 3, lines 10-12 (Ex Parte Bowman, 61 USPQ2d 1165, 1671 (BD. Pat. App. & Inter. 2001) (Unpublished). Though Bowman is not precedent, its value is cited for its analysis. Also, see MPEP 2106 IV 2(b)) is deemed a citation.

The Examiner does not agree with Applicant's assertion that the two requirements of statutory subject matter are met. The claim language may be completed with pen and paper, thus taking it out of statutory subject matter. See Paper No. 15.

Applicant's assertion that check processing is unquestionably within the technological arts is, by itself, unsupported and not agreed with by the Examiner. See Paper No. 15.

***Response to 35 U.S.C. 112, second paragraph, Argument***

Applicant's ARGUMENTS regarding the rejection of claim 8 under 35 U.S.C. 112 are noted, but not agreed with.

The Examiner does not agree with Applicant's assertion that claim 8 is definite and thus the statutory subject matter are met. The offending claim language is simply not clear as to what is being referenced. Applicant's Arguments are circular and do not shed light on the ambiguity noted by the Examiner. See Paper No. 15, page 4.

***Response to 35 U.S.C. 103(a) Argument***

Applicant's ARGUMENTS regarding the rejection of claims 1-6, 8 and 9 under 35 U.S.C. 103 are noted, but not agreed with.

Applicant's assertion that Walker does not show a time period or money limit or check cashing is opposite to Walker's disclosure, e.g. cols. 9-10, lines 54-23. Initially, it is noted that intended use, e.g. "for a time period" recited in claim 1, do not provide positive claim recitations that further limit Applicant's method claims. Nonetheless, the time period in Walker is indirectly referenced when the account is in good standing and not past due. To be past due there must be a time period, e.g. monthly account statement, that the purchaser of the credit must, generally, pay off in total or an appropriate portion thereof, a suitable balance in order to have access to the financial account. It has been common knowledge that time periods are used in both the credit and check cashing industry to facilitate accounting and transaction objectives, e.g. to verify whether a user has a proper credit history and financial resources to cover the

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requested fund transfer. The electronic credit card purchases disclosed by Walker encompass in broad scope and content the check cashing claim language recited by Applicant. Apparently, Applicant implies or would have one believe a traditional “paper” check is required from the claim language. No such limitation exists within the claim language. As recited, an electronic check credit card fully meets Applicant’s claim language.

Applicant’s Arguments that no attempt to match the recited elements of Applicant’s claims to Walker is noted. See Paper No. 15, pages 4-5, for matching limitations that meet in broad scope and content Applicant’s claim language.

Similarly, Applicant’s assertion that Templeton does not show a checking function on any time period is opposite to Templeton’s disclosure. Though Templeton does not explicitly disclose a time period, it would be an inherent aspect of Templeton’s disclosure. The real-time updating of file information, e.g. 85, 87 of Templeton, fully meets the broad scope and content of Applicant’s phrase “time period” referenced. As is, the time period may be as short as a nano-second or as long as a year (or longer) to fully meet Applicant’s claim language. In sum, the real-time period parameters disclosed by Templeton fully meet Applicant’s claim language.

The assertion that the Examiner robs Appellant of the ability to properly form an argument rebutting obviousness or to narrow the claims around the prior art are subjective comments. However, the Examiner is not in agreement with this assertion.

Regarding subscores from claim 3, the positive file 87 and negative file 85 are deemed in broad scope and content to fully encompass this term. Further, the historical approval criteria data of Walker may be viewed to comprise a subscore. As is, the claim 3 terminology does not define over Walker, as modified by Templeton.

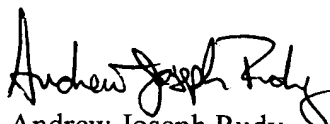
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Regarding claim 8, as understood, the historical approval criteria data of Walker may be viewed as meeting the claim terminology for approving a check cashing request for each time period being considered. Thus, claim 8 does not define over Walker, as modified by Templeton.

Regarding claim 9, the historical approval criteria data of Walker may be viewed as meeting the claim terminology for approving a check cashing request for each time period being considered. Further, allowing a check writer to reach his/her credit limit over a specified time period after having a previous financial transaction has been approved have been common knowledge in check cashing systems. Both Walker and Templeton systems allow for this function to be performed. Thus, claim 9 does not define over Walker, as modified by Templeton.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

  
Andrew Joseph Rudy  
June 1, 2004

Conferees  
Mr. Robert P. Olszewski  
Mr. Eric Stamber


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